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SERVICE DATE - DECEMBER 18, 2001
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-290 (Sub-No. 216X)

**Norfolk Southern Railway Company—Abandonment Exemption—
in Buchanan County, VA**

BACKGROUND

In the above entitled proceeding, Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a 2.95-mile line of railroad between milepost SP-0.0 at Dwight and milepost SP-2.95 at Spruce Pine, in Buchanan County, VA. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The right-of-way widths varies, but is generally 50-60 feet on each side of the main track centerline. The land use along the rail line is 80% former mining area and 20% undeveloped. The line proposed for abandonment crosses Dismal Creek and Spruce Pine Creek, and passes through 100-year flood plains and wetlands associated with these waterways. In its application NSR states that there has been no traffic on the line during the past two years.

ENVIRONMENTAL REVIEW

NSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post abandonment activities, including salvage and disposition of the right-of-way. NSR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. Also we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the Buchanan County Administrator; Commonwealth of Virginia, Department of Historic Resources; National Resources Conservation Service; Virginia Department of Conservation and Recreation, Division of Natural Heritage; National Geodetic Survey, U.S. Fish and Wildlife Service; Virginia State Corporation Commission; Virginia Department of Game and Inland Fisheries; MTMCTEA, Railroad for

National Defense; National Park Service; Land Resources Division-MS800; National Park Service, Recreation Resources Assistance Division; Virginia Department of Environmental Quality; U.S. Corps of Engineers; U.S. Environmental Protection; District Conservationist, Natural Resources Conservation Service; and the U.S. Department of Agriculture.

The U.S. Fish and Wildlife Service (US FWS) has indicated that two endangered and/or threatened species the *Myotis sodalis* (Indiana bat), and the *Spiraea virginiana* (Virginia spiraea) have been documented in an adjacent county and may occur in Buchanan County. However, SEA believes because 80% of the land used for the proposed abandonment was a former mining area, we have concluded that abandonment and salvage of the right-of-way would not affect these two species.

CONDITIONS

We recommend no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed discontinuance would include denial (and, therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does not take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, 1925 K St., N.W., Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Vernon A. Williams, Office of the Secretary, 1925 K. St., N.W., Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub-No. 216X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629, fax at (202) 565-9002, or e-mail at Ann.Newman@STB.dot.gov.

Recent events involving a principal postal facility within Washington, DC., may affect for a period of time the receipt of materials mailed to the Board, as well as customer receipt of reply mail sent from the Board. Until the timely delivery of mail has been reestablished, the Section of Environmental Analysis (SEA) requests that individuals filing comments regarding this or other environmental assessments take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact indicated above prior to the close of the comment period and inform them that you have mailed a comment.
2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.
3. Retain a copy of your comment for your records should alternative modes of delivery need be necessary.

SEA is committed to carrying out its duties to the public and regrets any inconvenience these new procedures may cause.

Date made available to the public: December 18, 2001.

Comment due date: January 2, 2002.

By the Surface Transportation Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

MAP TO BE SCANNED